IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

-

WRIT PETITION NO: 5142 of 2005

Between:

1. Noothalapati Deva Raj,

S/o. Devadass, aged 39 years,

H.No.7/582, Nagar Kalwakatta,

Markapur.

2. Jangam Ravindra Babu,

S/o.J.Subba Rao, aged 41 years,

Bhagyanagar, LIC of India, Ongole.

3. Bandaru Victor John,

S/o.Ananda Rao, Sr. Assistant,

Oriental Insurance, Ongole.

4. K.V.R.Kumar, S/o.K.V.N.Chary,

Aged 43 years, Arundalpet, Guntur.

..... PETITIONERS

AND

1 The Controller of Examinations,

Nagarjuna University, Nagarjuna Nagar,

Guntur.

2. The Registrar, Nagarjuna University,

Nagarjuna Nagar, Guntur.

3. The Principal, A.C.College of Law,

Guntur, Guntur District.

4. The Principal,

Priyadarshi Law College, Ongole.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ or direction, more particularly in the nature of writ of Mandamus declaring that the action of Respondents herein not allowing the supplementary students appearing for the examinations for the academic year 2004-2005 as per Notification No.ANU/Examns/LL.B 2005 dt.26-2-2005 and consequently direct the respondents to allow the petitioners to pay the prescribed fee for the examinations through proper channel and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.B. DEVA DAS

Counsel for the Respondents: MR.T.S.HARNATH

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

The case of the petitioners is that they joined the third and fourth respondent Law Colleges during 1995 and that some of them passed all subjects and some of them failed to get aggregate marks and failed in some subjects and since they are very much interested in getting aggregate marks of 40% and complete the course,

they wanted to appear for the examinations notified on 26.2.2005 and made applications to the University. But the university returned their applications on the ground that permission would be given only to students who studied in the year 2000, but not prior thereto, and so action of the respondents in not receiving their applications and not permitting them to appear for the examinations is violative of Articles 14, 16 and 21 of the Constitution of India and so a direction may be given to the respondents to permit them to appear for the examinations.

2. The Registrar, Acharya Nagarjuna University (2nd respondent) filed his counter affidavit on behalf of respondents 1 and 2, *inter alia* contending that as per the rules framed by the university governing LL.B., three year degree course, the students have to prosecute the entire course and pass all the papers of all the three years in a maximum period of six years and since the petitioners contend that they have studied in 1995, they are not eligible to appear for the examinations and so, their applications were not received.

3. In view of the rule position stated by the second respondent in his counter affidavit, question of granting any relief to the petitioners does not arise. It should be stated here that at the time of admission of the writ petition, a learned single Judge of this Court gave liberty to the petitioners to make appropriate representation to the respondents to permit them to appear for the supplementary examinations and if such representation is made, the respondents shall consider the same and pass appropriate orders thereon. It is contended that the petitioners made a representation on 21.3.2005. It is for the second respondent to take a decision on the said representation. But this Court cannot grant any relief to the petitioners. With the

above observation, the writ petition is disposed of. No costs.

_____

C.Y.SOMAYAJULU, J

Dated: 31.03.2005

RAR

To

1 The Controller of Examinations,

Nagarjuna University, Nagarjuna Nagar,

Guntur.

2. The Registrar, Nagarjuna University,

Nagarjuna Nagar, Guntur.

3. The Principal, A.C.College of Law,

Guntur, Guntur District.

4. The Principal,

Priyadarshi Law College, Ongole.
5. Two CD copies.